

Insight Biotech Inc

465 Stony Point Rd #115, Santa Rosa, CA 95401
phone: 707-235-4311
fax: 815-846-4127
email: larry_sharma@netzero.net

DAC
H



February 11, 2003

Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

Dear Sir or Madam:

RE: Application no. 09/489,850

RECEIVED

FEB 24 2003

OFFICE OF PETITIONS

Please accept the enclosed petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b).

The abovementioned application was abandoned due to non-receipt of the CPA fee of \$370. However, on May 24, 2002 I personally wrote and mailed check #1038 in the amount of \$370 to Box CPA, Washington, DC. This check has apparently disappeared.

Nonetheless, enclosed is a check in the amount of \$1020 consisting of the CPA fee of \$370 and petition fee of \$650.

Please revive this patent application.

Sincerely,
INSIGHT BIOTEK INC.

A handwritten signature in black ink, appearing to read "Lawrence Rajendra Sharma".

Lawrence Rajendra Sharma
COO

02/21/2003 AWONDAF1 00000158 09489850

02 FC:2006

370.00 OP

#13



PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

51916 / 107

First named inventor: **DIANE VAN ALSTYNE**

Application No.: **09/489,850**

Art Unit: **1645**

Filed: **1/24/2000**

Examiner: **PATRICIA A. DUFFY**

Title: **METHODS TO CLEAR MENINGITIS CAUSING AGENTS ...**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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1. Petition fee

☒ Small entity-fee \$ **650** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of **EXPLANATORY LETTER** (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ **370**.

- ☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/21/2003 ANDNDAF1 00000158 09489850

01 FC:2453

650.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

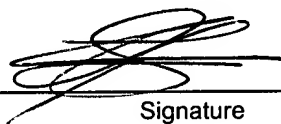
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

2/11/03

Date



Signature

Telephone

Number: (510) 745-7249

LAWRENCE RAJENDRA SHARMA

Typed or printed name

33691 BARDOLPH CIR

Address

FREMONT, CA 94555

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

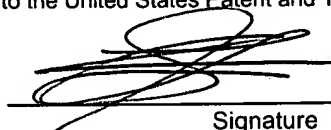
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

2/12/03

Date



Signature

LAWRENCE RAJENDRA SHARMA

Type or printed name of person signing certificate



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,850	01/24/2000	Diane Van Alstyne	51916/107	6341

7590 12/04/2002

LARRY SHARMA
CHIEF OPERATING OFFICER
33691 BARDOLPH CIRCLE
FREMONT, CA 94555



EXAMINER

DUFFY, PATRICIA ANN

ART UNIT	PAPER NUMBER
----------	--------------

1645

DATE MAILED: 12/04/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
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OFFICE OF PETITIONS



Notice of Abandonment

Application No.
09/489,850

Applicant(s)
VAn Alstyne et al

Examiner
Patricia A. Duffy

Art Unit
1645



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:
see attached communication from the Exr.

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FEB 24 2003

OFFICE OF PETITIONS

Patricia A. Duffy
PATRICIA A. DUFFY
PRIMARY EXAMINER
ART UNIT 1645

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Interview Summary

Application No.
09/489,850

Applicant(s)
VAn Alstyne et al

Examiner
Patricia A. Duffy

Art Unit
1645



All participants (applicant, applicant's representative, PTO personnel):

(1) Patricia A. Duffy (Exr.)

(3) _____

(2) Lawrence Sharma (inventor)

(4) _____

Date of Interview Nov 15, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: NA

Identification of prior art discussed:

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The Examiner called the inventor and indicated to Mr Sharma that the case was technically ABANDONED for failure to file the CPA filing fee with the response of June 3, 2002. It is noted that the fee did not accompany the response and a check was allegedly filed under separate cover. The PTO has no record of receiving such a check fee and Applicant has not provided a copy of the cashed check. Since, the period for extensions of time pursuant to 1.136(a) has expired, this application stands technically ABANDONED for failure to file the CPA fee as set forth in the notice of 4-18-02.

If Applicants desire to pursue this Application, then they are directed to call the Office of Petitions at 703-305-9285 for direction and guidance on how to Petition to Revive this technically ABANDONED Application.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Patricia A. Duffy
Examiner's signature, if required